

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS AGBABIAKA,

Plaintiff,

No. C 09-03982 JSW

v.

HSBC BANK USA NATIONAL  
ASSOCIATION, et al.,

Defendants.

**ORDER TO SHOW CAUSE WHY  
MOTIONS SHOULD NOT BE  
GRANTED AS UNOPPOSED OR  
TO WHY CASE SHOULD NOT BE  
DISMISSED FOR FAILURE TO  
PROSECUTE**

---

On October 8, 2009, Defendants Litton Loan Services and HSBC Bank USA filed a motion to dismiss, a motion to strike, and a motion to expunge lis pendens, and noticed each of those motions for hearing on November 13, 2009. On October 9, 2009, this Court issued an Order continuing the hearing and setting a briefing schedule, by which Plaintiff's opposition briefs to the motions were due on October 30, 2009. As of the date of this Order, Plaintiff has not filed an opposition to the motion or filed a request to extend the time by which the opposition briefs could be filed.

Accordingly, Plaintiff is HEREBY ORDERED to show cause why the motions should not be granted as unopposed or why this matter should not be dismissed for failure to prosecute. Plaintiff's response to this Order to Show Cause shall be due by no later than November 10, 2009. Plaintiff is FURTHER ADVISED that failure to respond to this Order to Show Cause

//

//

1 may result in the Court's ruling on the motions as unopposed or dismissing the action for failure  
2 to prosecute without further notice to Plaintiff.

3 **IT IS SO ORDERED.**

4  
5 Dated: November 3, 2009

*Jeffrey S. White*  
6 JEFFREY S. WHITE  
7 UNITED STATES DISTRICT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28